IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19379 of 2004

Between:

Smt.A.Padmavathi, w/o Govindaiah,
Adivipalem Village, Santhamaguluru Mandal,
Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Santhamaugulur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the orders of the Joint Collector, Prakasam in Rc.CS2/4041/2004 dated 12-10-2004 as illegal, void, arbitrary, unjust and consequently to direct the respondents herein that the petitioner be entitled to act as Fair Price Shop dealer of Advipalem Village, Santhamaguluru Mandal, Prakasam District pending disposal of the appeal of the petitioner before the Joint Collector, Prakasam district i.e., the 1st respondent herein.

Counsel for the Petitioner: MR.I.GOPAL REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

O R D E R:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

2 . The petitioner is the authorized dealer in respect of the fair price shop of Adivipalem village, Santhamaguluru Mandal of Prakasam District. His authorization was suspended pending enquiry vide proceedings dated 28.09.2004 of the Revenue Divisional Officer, second respondent herein. Aggrieved by the same, the petitioner preferred an appeal before the first respondent-Joint Collector, Prakasham District. The first respondent having entertained the appeal by an order dated 12.10.2004 rejected the application filed by the petitioner for stay of the operation of order of suspension dated 28.09.2004. Aggrieved by the same, this writ petition is filed.

3 . The learned Counsel for the petitioner contends that all the allegations made against the petitioner in the show-cause notice are false and baseless and at any rate they are trivial in nature and therefore, the first respondent is not justified in rejecting the application for stay pending Appeal.

4. A perusal of the impugned order of the first respondent shows that the said order has been passed mechanically without reference to anyone of the contentions raised by the petitioner and without assigning any reasons for rejecting the stay pending Appeal.

5. Having regard to the facts and circumstances of the case and since the statutory appeal is pending before the Joint Collector and particularly in view of the fact that

the enquiry into alleged irregularities is still continuing, I am of the view that the balance of convenience is in favour of the petitioner and it would be appropriate to allow the petitioner to distribute the commodities till disposal of the appeal.

6. Accordingly the impugned order dated 12.10.2004 is hereby set aside and the writ petition is disposed of with a direction to the first respondent to dispose of the appeal filed against the order of the second respondent dated 28.09.2004, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till disposal of the appeal, the order of suspension dated 28.09.2004, passed by the second respondent shall not be given effect to.

7. The writ petition is accordingly disposed of. No costs.

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K.C.BHANU, J.

Dated :19/20/2004

gs/dsk

Note: Furnish Copy by wire at party's cost.

B/o.

(Gs/dsk)

To

1. The Joint Collector, Prakasam District, Ongole.
2. The Revenue Divisional Officer, Ongole, Prakasam District.
3. The Mandal Revenue Officer, Santhamuguluru, Prakasam District.

4. 2 CCs to the Government Pleader for Civil Supplies, High Court of A.P. Hyderabad(OUT)

5. 2 CD Copies.